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Case No.: 2024-SCC-0024-CQU
NoraV Borja

IN THE
SUPREME COURT
OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

BETTY JOHNSON, on behalf of herself and as a representative
of a class of similarly situated persons,
Plaintiff,

and

ROSA A. CAMACHO, Retiree and Member of the Settlement Class,
Plaintiff-Appellant,

v.

ARNOLD I. PALACIOS, Governor of the Commonwealth
of the Northern Mariana Islands,
Defendant,

and

NORTHERN MARIANA ISLANDS SETTLEMENT FUND,
Defendant-Appellee.

SUPREME COURT No. 2024-SCC-0024-CQU

**ORDER ACCEPTING CERTIFIED QUESTION
AND SETTING BRIEFING SCHEDULE**

¶ 1 On December 9, 2024, the United States Court of Appeals for the Ninth Circuit certified to this Court the following question of Commonwealth law:

Did section 8334(e) of the Northern Mariana Islands Retirement Fund Act of 1988, 1989 N. Mar. I. Pub. L. 6-17, grant Class II members of the Northern Mariana Islands Retirement Fund, who were already employed by the Commonwealth when the Act took effect, an accrued cost of-living-increase benefit that may not be diminished or impaired under the terms of Article III, section 20(a) of the Commonwealth Constitution?

The Ninth Circuit's request for certification was received and filed in this Court on December 11, 2024.

¶ 2 After reviewing the Ninth Circuit’s request, we are satisfied that the requirements of NMI Supreme Court Rule 13 have been met.¹ The Court has decided to accept and answer the certified question, reserving the right to reframe or rephrase the question if necessary. *See United States v. Borja*, 2003 MP 8 ¶ 2 n.4.

¶ 3 The Court has designated this matter a priority and it will be resolved in an expeditious manner. The parties are hereby ordered to brief the above question. Each must file its brief by January 20, 2025. Each party may file a response brief by February 3, 2025. At this time, no argument will be scheduled in this matter.

¶ 4 Plaintiff-Appellant is ordered to serve a copy of this order on the clerk of the United States Court of Appeals for the Ninth Circuit.

SO ORDERED this 12th day of December, 2024.

/s/

ALEXANDRO C. CASTRO
Chief Justice

/s/

JOHN A. MANGLOÑA
Associate Justice

/s/

PERRY B. INOS
Associate Justice

¹ Under our rules, a federal court may certify to this Court a question of Commonwealth law if the federal court finds that the question may be determinative in the proceedings before it and there is no controlling precedent from this Court. NMI SUP. CT. R. 13(a). To certify a question, the federal court must prepare and forward a Certification Order containing the question or questions of law to be answered, a statement of facts explaining the controversy, and the names and contact information of the involved parties and their attorneys. NMI SUP. CT. R. 13(b).